



SPECTRUM COMMUNICATIONS

CABLING SERVICES, INC.

SENT VIA FACSIMILE AND U.S. MAIL

June 29, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, DC 20554

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Federal Communications Commission
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Ms. Carol E. Matthey
Deputy Chief
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07891

RE: **STATUS REQUEST;** In the Matter of: Request for Review by Spectrum Communications Cabling Services Inc. in Decision of Universal Service Administrator CC Dockets NO. 96-45 and 97-21.

Title of Decision being Appealed: Administrator's Decision on Appeal - Funding Year 2001-2002 (dated July 22, 2002)

Applicant Name: Banning Unified School District (Billed Entity Number: 143678)

471 Application Number: 226998

Funding Request Numbers: 523594, 523630, 523631, 523637, 523657, 523662, 523664, 523668, 523670, 552398

Ms. Dortch:

Almost 2 years ago, on September 20, 2002 Spectrum Communications Cabling Services Inc. ("Spectrum"), properly submitted to the Federal Communications Commission ("Commission") a Request for Review on the Decision of the Universal Service Administrator regarding Banning Unified School District's application and subsequent denial for E-Rate funding for Program Funding Year 2001-2002. (Attachments 1)

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Additionally, Banning Unified School District also submitted a Letter of Appeal (dated October 16, 2002) to the Schools and Libraries Division of USAC (Universal Service Administrative Company). (Attachment 2)

Fifteen months ago, On February 10, 2003 the Federal Communications Commission (DA 03-393) 'Extended By an additional thirty (30) days to March 19, 2003' Banning Unified School District's request for review (File No. SLD-226998). (Attachments 3)

As of this day neither our appeal to the Federal Communications Commission, nor Banning Unified School District's appeal to the Schools and Libraries Division of USAC have had the opportunity for Review. This undermines the 'due process' which Banning and Spectrum have the right to review, and is unfair to both Banning Unified School District and Spectrum.

Certainly the Federal Communications Commission has reviewed appeals which came some time after the filing of Banning and Spectrum's appeal. For example, Ysleta Independent School District which was filed January 30, 2003 (SLD No. 3214790 and decided on December 4 2003.

The appeal before you is neither unique nor novel; it is a straight forward issue of the rules set forth by the Federal Communications Commission in the order known as *Copan*. (Attachments 4)

In this appeal, Banning Unified School District hired a consultant to help with its E-Rate filing. Spectrum responded and provided proposals to Banning Unified School District in response to its filing of the Form 470. Subsequently Spectrum was awarded several of the Internal Connection projects. After having submitted Banning's Form 471 to the SLD, its consultant, **without Banning's knowledge or approval** submitted a Service Provider Identification Number (SPIN) change to the SLD for one (1) Funding Request, that of the maintenance (FRN 523623). This resulted in the SLD denial of all of Banning's E-Rate application for Funding Year 2001-2002.

It is therefore our contention that the SLD did not comply with the rules dictated by the FCC in the *Copan* Order by allowing a SPIN change to occur which in turn resulted in the denial of the entire Form 470 because of 'vendor involvement', a clear rule violation.

Had the SLD followed the rules set forth by the Commission in the *Copan* Order, it would have determined that the consultant did not, notify the vendor (Spectrum) of the intended change of the SPIN and it was not allowable by California State law, the two requirements of the *Copan* Order.

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I write this letter to ask that you please make an immediate decision in this appeal. Both Banning Unified School District and Spectrum Communications have been harmed by this erroneous decision as well as the 2 years it has taken in which to have our appeal decided by the Commission.

Please help.

Respectfully Submitted,



Robert Rivera
President/CEO
Spectrum Communications

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Attachments

DOCUMENT AVAILABLE
IN THE LEAD
DOCKET/RULEMAKING

SEE DOCKET NO. *96-45* FOR THE DOCUMENT.